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JUN 28 2005

OFFICE OF PETITIONS

In re Application of
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Application No. 10/825,883
Filed: April 17, 2004
Attorney Docket No. NXL-001

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 16, 2005, to revive the above-identified application.

On March 18, 2005, the Office mailed a Notice of Abandonment to petitioner indicating that the above-identified application was abandoned for failure to reply timely to the Notice to File Corrected Application Papers mailed on June 28, 2004. In response, on May 16, 2005, petitioner submitted the present petition, one replacement drawing, an executed Power of Attorney and Correspondence Address Indication Form, and the petition fee. Petitioner explained that he never received the Notice to File Corrected Application Papers. Petitioner stated that he requested a copy of the Notice to File Corrected Application Papers after receiving the Notice of Abandonment.

On June 14, 2005, the Office mailed a "Withdrawal of Previously Sent Notice," which stated that the Notice of Abandonment mailed on March 18, 2005, was sent in error and was withdrawn. In addition, the Office mailed a filing receipt.

In view of the "Withdrawal of Previously Sent Notice" mailed on June 14, 2005, the petition is unnecessary because the application is not abandoned. Accordingly, the petition is **dismissed** as involving a moot issue. The application will retain its pending status. The \$750.00 petition fee will be refunded by treasury check in due course. The Office apologizes for any inconvenience the error may have caused.

This matter is being referred to the Technology Center Art Unit 1645 for examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

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